

REMARKS

Claim 1 has been amended to provide language that obviates the possibility of heating the mixture of step (b) beyond an ambient temperature of 15° to 35°C. Support may be found at page 6, line 28. Avoiding the higher temperatures of Poncelet enables obtaining an amorphous rather than a crystalline “imogolite” structure. See Poncelet ‘711 and the col.1, line 9 reference to US 4,152,404.

The Examiner’s comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Applicants herewith file a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome five provisional double patenting rejections based on nonstatutory double patenting grounds over the five recited applications.

Claims 1-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al. (EP 1 184 193 A2) in view of Poncelet et al. (US 5,888,711) and Plank et al. (US 3,816,342). According to the Examiner:

Campbell teaches an ink jet recording element comprising a substrate and a porous image receiving layer (abstract). The image receiving layer comprises a binder [0031] and organic particles [0030]. Campbell does not teach the organic particle comprises an aluminosilicate. However, Poncelet teaches a coating composition to be provided on a support (col. 2, line 26), wherein the coating composition comprises aluminosilicate polymer obtained from aluminum and silicon alkoxide in a presence of aqueous alkali, wherein the Al molar concentration being maintained in the range of 0.0005-0.02, Al/Si molar ratio between 1 and 3 (col. 1, lines 55-63) and the amount of the alkali, in moles, is between 2 and 3 times the amount of aluminum (col. 3, line 26). The aluminum, silicone alkoxide and aqueous alkali are mixed before heating (col. 1, lines 58-63), and byproducts such as residual ions are eliminated before coating the coating composition (col. 2, line 1). The coating composition does not contain a binder. The alkali comprises sodium or potassium {meets instant claim 2} (col. 3, line 20). The Al molar concentration being maintained in the range of 0.0005-0.02 {meets instant claims 4 and 5} (col. 1, lines 61 and 62). The amount of the alkali, in moles, is between 2 and 3 times the amount of aluminum {meets instant claims 6-8} (col. 3, line 26). Aluminum halide is an example of the aluminum to obtain the aluminosilicate polymer and tetraethylorthosilicate is an example of the silicon alkoxide to obtain the aluminosilicate polymer {meets instant claims 9-11} (col. 5, lines 21-25). Poncelet does not teach

the use of a chelating agent in preparing the aluminosilicate. However, Plank teaches the use of a chelating agent in preparing an aluminosilicate polymer {instant claims 12-15} (col. 19, line 39). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the chelating agent of Plank with the invention of Poncelet, and the motivation would be, as Plank suggests, improving attrition resistance of the product (col. 19, line 37).

Campbell and Poncelet are analogous art because they from (sic) similar problem solving area in relation to polymeric aluminosilicate material. At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the aluminosilicate polymeric material of Poncelet with the invention of Campbell, and the motivation would be, as Poncelet suggests, providing a permeable and antistatic coating layer (col. 2, line 15).

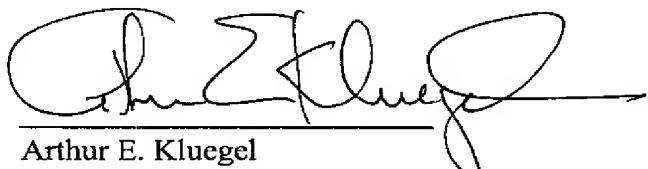
It is important to note that the present invention is about an inkjet recording element that contains an aluminosilicate polymer obtainable by a specific method which provides an amorphous material. The higher temperatures of Poncelet provide a crystalline material. The examples of Poncelet show 95-100°C and his Claim 5 calls for a preferred range of 70-80°C. In Serial No. 10/521,348, a Rule 132 Declaration has been filed confirming that the temperature difference accounts for the difference between obtaining an amorphous and a crystalline material. Both Poncelet '711 and '404 describe a porous crystalline material. If a separate Declaration is required for this case, Applicants will provide it.

In view thereof, it follows that the subject matter of the claims would not have been obvious of Campbell et al. in view of Poncelet et al. and Plank et al. at the time the invention was made because the material is different in structural makeup than what would have been obvious from the art.

In view of the foregoing remarks and amendment, the claims are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Encl: Terminal Disclaimer

U.S. Serial No. 10/583,528